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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NORTHERN CALIFORNIA IBEW 595-NECA
TRUST FUNDS; ELECTRICAL INDUSTRY
SERVICE CORPORATION; VICTOR UNO in
his capacity as Trustee of the IBEW 595 TRUST
FUNDS and Officer of the EISC.; and DON
CAMPBELL in his capacity as Trustee of the
IBEW 595 TRUST FUNDS and Officer of the
EISC.;

Plaintiffs,

v.

MRM ELECTRICAL COMMUNICATIONS,
INC., a California corporation; MRM-VAN
HOOK, a Joint Venture; PLATTE RIVER
INSURANCE COMPANY, a Nebraska
corporation; ISI CONTROLS LTD. d/b/a
METROPLEX CONTROL SYSTEMS, a
Partnership; INSURANCE COMPANY OF
THE WEST, a California corporation; HENSEL
PHELPS CONSTRUCTION COMPANY, a
Delaware corporation; TRAVELERS
CASUALTY & SURETY COMPANY OF
AMERICA, a Connecticut corporation; and
FIDELITY & DEPOSIT COMPANY OF
MARYLAND, INC., an Illinois corporation; and
DOES 1 through 10, inclusive,

Defendants.

No. C 06-07596 CW

STIPULATION AND ORDER TO FILE
FIRST AMENDED COMPLAINT

Judge: Honorable Claudia Wilken

WHEREAS, on January 30, 2006, counsel for Rosendin Electric, submitted information pertaining to Plaintiffs Northern California IBEW 595 Trust Funds' claims against Hensel Phelps and Travelers Casualty & Surety Company of America, specifically and solely with respect to Plaintiffs' allegations in connection with the "Rosendin Jobs", demonstrating prompt and full payment of fringe benefit contributions.

WHEREAS, on February 2, 2007, Alameda County Deputy Counsel faxed a copy of a recently issued Bond to Release Money Withheld on Claims State of California, dated January 24, 2007 and obtained by Hensel Phelps, principal, and issued by Fidelity & Deposit Company of Maryland, Inc., an Illinois corporation, as the surety, pursuant to Cal. Civ. Code Section 3196.

WHEREAS, following receipt of the above-referenced documents, Plaintiffs circulated proposed amended pleadings to address the recent developments; and

WHEREAS, the parties conferred regarding the proposed amended pleading and have agreed to stipulate to the filing of the amended pleading attached as Exhibit A hereto; and

WHEREAS, although the parties have stipulated to the filing of the amended pleading attached as Exhibit A, the parties reserve all rights to answer or respond as set forth in the Federal Rules of Civil Procedure, the Northern District of California's Local Rules, or by order of this Court.

NOW THEREFORE, IT IS AGREED AND STIPULATED that (1) the amended pleading attached hereto as Exhibit A shall be filed with the Court, (2) any answer or response to Exhibit A shall be due on April 13, 2007, and (3) if any motion is filed in response to Exhibit A that requires an opposition and hearing, such motion will be noticed in writing on the motion calendar of the assigned Judge for hearing not less than 42 days after service of the motion.

DATED: March 21, 2007

The respective attorneys, by their signatures below, represent and warrant that they have the consent of their respective clients, have discussed this Stipulation and [Proposed] Order to File First Amended Complaint and have the authority to bind their respective clients.

DATED: March 22, 2007

Respectfully submitted,
LEONARD CARDER, LLP

By: /s/
CHRISTINE S. HWANG
Attorneys for Plaintiffs

DATED: March 22, 2007

**SWEENEY, MASON, WILSON
& BOSOMWORTH**

By: /s/
ROGER MASON
Attorneys for Defendants MRM, MRM Van Hook,
Platte River Insurance Company

DATED: March 22, 2007

DHILLON & SMITH

By: /s/
HAROLD P. SMITH
Attorneys for Defendants ISI Controls Ltd. dba
Metroplex Controls Systems and Insurance
Company of the West

DATED: March 22, 2007

RICHARDSON & WILHELMY

